

MINUTES

**TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING
GATLINBURG CONVENTION CENTER
ROOMS 4 & 5
GATLINBURG, TN
MAY 2, 2006**

Board Members Present

Mr. J.P. Newman, Chairman

Mr. Glen Birdwell for Mike Apple

Mr. Kenneth Donaldson

Mr. Jack O'Grady

Ms. Sherry Sloan

Mr. Wilton Burnett

Board Members Absent:

Dr. Greg Nail

Mr. Ken Pointer

Mr. Dave Wallace

Mr. Knox Horner

Ms. Melissa Bryant

After noting a quorum was present, Mr. Newman called the meeting to order at 9:00 a.m.

I. SOLID WASTE DISPOSAL CONTROL BOARD MATTERS

A. Approval of Minutes from February 7, 2006 Board Meeting

The minutes for the February 7, 2006, meeting were presented. There being no objections, the Chair entertained a motion to approve the Minutes. Mr.

Donaldson made the motion to approve the minutes with Ms. Sloan giving the second. The motion passed unanimously.

There was a discussion regarding election of officers for SWDC Board and when the chairman's term expired. A motion was made by Mr. Burnett to defer the election of officers until the June 6 meeting. Mr. O'Grady seconded the motion. The motion passed unanimously.

B. General Business/Staff Reports

Ms. Jamie Burroughs presented the quarterly hazardous waste permitting report for October 1, 2005 through March 31, 2006. No comments were made.

Mr. Glen Pugh presented a summary of the closed landfill assessment program and handed out copies of a map for reference purposes. There was a question about the Bradley County Landfill. All questions were answered by Mr. Pugh.

C. **Regulatory Matters**

Mr. Jerry Ingram submitted the Revision “z” Hazardous Waste Regulations and explained the differences between the original and revised regulations. There being no further discussion, it was presented for approval. Mr. Burnett made the motion and Mr. Donaldson made a second. Roll Call vote was unanimous.

Mr. Glen Pugh explained the correction to the set of proposed Amendments that is related to the Solid Waste Site Restoration Fund. In order to keep the funds separate, they are requesting this correction. A motion was made to approve the amendments by Mr. Wilton Burnett. Mr. Kenneth Donaldson seconded. Roll Call vote was unanimous.

Mr. Steve Goins presented the proposed rule amendments concerning cost recovery from the Division of Remediation. They have now had a rule making hearing on the rule amendments. It was published in the Tennessee Administrative Register on March 15th, it also appeared on the Department’s Web site and it was published in 6 newspapers across the state on April 2nd. The Rule Making Hearing was held on April 18th. No one attended that hearing. Seven days was allowed after that hearing for written comments and none were received. Therefore, the Division is requesting that the Board adopt these revisions. There being no questions, Mr. O’Grady made a motion to approve. Ms. Sloan seconded. Roll Call vote was unanimous.

Mr. Robert Powell presented a program to list Solid Waste Disposal Company (Superfund Site ID #23-501), Dyersburg, Dyer County on the list of inactive hazardous substance sites. He reviewed the site history and explained compounds found on the site. He presented documents as to public hearing at the Dyer County Courthouse, March 21, 2006, at 6:00 p.m. All questions by the Board members were answered regarding Mr. Ellis, who was the owner of the site. There were questions about criminal charges for Mr. Ellis. Having no further discussion Ms. Sloan made a motion to accept. Mr. Burnett seconded. Roll call vote was unanimous.

Mr. Robert Powell presented a proposal to list Dixie Barrel & Drum Co. (Superfund Site ID #47-573), Knoxville, Knox County, to the list of inactive hazardous substance sites. He presented the site and regulatory history and shared information regarding waste material found on site. Since the site has been inactive since 2002 and could pose a threat to public health it is requesting it be added to the List. A public hearing was held on 3/16/06 at Dogwood Elementary School in Knoxville, TN. Although there were attendees, there were no formal comments received. Mr. Burnett made a motion to list the property and was seconded by Mr. O'Grady. Roll call vote was unanimous.

D. Agreed/Consent Orders

Mr. Ed Harris presented the Commissioner's Order Apportioning Costs and also an Agreed Order Amending Commissioner's Order Apportioning Costs in the matter of General Metal Fabricators, Case 01-

0174/0360, DOR, Erwin, Unicoi County. He gave an overview of the history of the case wherein Walco National Company (formerly National Casket Company), Sanchez Enterprises, Inc., and HS Automotive, Inc. were all former owners of the property. Mr. Joseph P. Sanchez operated General Metal Fabricators, a Division of Sanchez Enterprises, Inc., and is the current owner of the site. Solid Waste Management conducted a plant inspection and found paint drums and pottery shards, scrap metal and mounds of clay. As a result of the investigation a Commissioner's Order requiring investigation and remediation of the site was issued. Service of process was accepted by Mr. Joseph Sanchez and negotiations resulted in this Agreed Order.

Mr. Harris gave a brief explanation of the apportionment costs; 22% to Joseph Sanchez and Sanchez Enterprises, Inc., 25% to Walco National Company, 50% to the pottery company, and 3% to H.S. Automotive.

Questions were raised by various members of the Board regarding the responsibility of the pottery company and how sure we are that Mr. Sanchez will actually accept responsibility. All questions were answered by Mr. Harris, Mr. Haile and Ms. Darlene Marsh, Counsel for Mr. Joseph Sanchez.

Ms. Sloan spoke in opposition to the Agreed Order. It seems that Mr. Sanchez had not been cooperative in the past, and only recently when he decided to sell the property that he has become cooperative. There being no further discussion, Mr. Burnett made a motion to accept the Agreed Order. Mr. Donaldson seconded. Votes were as follows: Aye – 4; No –1.

E. Other Business

The Board Members asked Jerry Ingram about the new Federal Register Proposals. He gave a brief explanation and promised to keep the Board Advised of all regulations. There was also discussion regarding when Regulation “z” would become effective.

There being no further business, the meeting adjourned at 10:40 a.m.

SUBMITTED BY:

Mike Apple, Technical Secretary

Date

APPROVED BY:

J. P. Newman, Chairman
Solid Waste Disposal Control Board

Date